

BCW



DOCKET NO.: JAB-1526US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Luyten, et al

Confirmation No.: 3238

Application No.: 10/069,495

Group Art Unit: 1635

Filing Date: February 20, 2002

Examiner: Jon E. Angell

For: Gas1Polypeptides

DATE OF DEPOSIT: July 18, 2006

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313- 1450.

/Myra H. McCormack/

TYPED NAME: Myra H. McCormack
REGISTRATION NO.: 36,602

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF ABANDONMENT

Applicant petitions that the abandonment set forth in the notice mailed by the Office on March 8, 2006 withdrawn as there is no abandonment in fact.

Submitted herewith is:

- ☒ A copy of the postcard identifying the papers filed and showing the U.S. PTO receipt stamp dated **February 28, 2006**.
- ☒ A copy of the complete response timely filed.
- ☒ Applicants authorize the Commissioner to charge Deposit Account No. 10-0750/JAB1526US/MHM in the amount of the petition fee. *However, as no defect exists in applicant's previous submission, an immediate refund of the petition fee is requested.*

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PATENT



The Commissioner is hereby authorized to charge payment of the above fees Associated with this communication or credit any overpayment to Deposit Account No. 10-0750/JAB1526US/MHM. This sheet is attached in duplicate.

Date: July 18, 2006

____/Myra H. McCormack/____

Myra H. McCormack

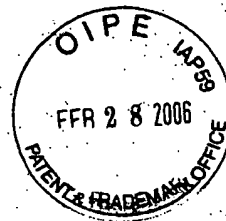
Registration No. 36,602

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One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Telephone: 732-524-6932

**RECEIVED BY THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Paper: Notice of Appeal From The Primary Examiner To The Board Of Appeals Pursuant To 37 CFR Section 1.192 (in duplicate) with U.S. First Class Mail certification and Petition for Extension for Three-month Extension of Time; authorization to charge Deposit Account No. 10-0750/JAB-1526US/MHM in the amount \$1,520.00; return postcard.

Applicant(s): Luyten, et al.
Title: Gas1 Polypeptides
Application No.: 10/069,495
Filed: February 20, 2002
Docket No.: JAB-1526US
Date Sent: February 24, 2006
Sent By: J. Reed/S. Scioli/j. m. edler





DOCKET NO.: JAB-1526US

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Luyten, et al.

Application No.: 10/069,495

Filing Date: February 20, 2002

For: Gas1Polypeptides

Confirmation No.: 3238

Group Art Unit: 1635

Examiner: Jon E. Angell

DATE OF DEPOSIT: February 24, 2006

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Scott E. Scioli

TYPED NAME: Scott E. Scioli
REGISTRATION NO.: 47,930

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed August 24, 2005 finally rejecting claim 1 of the above-identified patent application.

The item(s) checked below are appropriate:

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as

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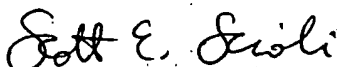
PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of August 24, 2005 to and through February 24, 2006 comprising an extension of the shortened statutory period of three months.

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$200	\$	\$500	\$500.00
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$60	\$	\$120	\$0.00
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$225	\$	\$450	\$0.00
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$510	\$	\$1020	\$1,020.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$795	\$	\$1590	\$0.00
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1080	\$	\$2160	\$0.00
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$)
TOTAL FEE DUE		\$0		\$1,520.00

- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/JAB-1526US/MHM.
- ☒ Please charge my Deposit Account No. **10-0750/JAB-1526US/MHM** in the amount of **\$1,520.00**. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. **10-0750/JAB-1526US/MHM**. This sheet is provided in duplicate.

Date: February 24, 2006



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Registration No. 47,930

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